



PUEBLO OF ISLETA

P.O. BOX 1270
ISLETA, NM 87022

RESOLUTION No. 2014 - 076

CREATION OF THE ISLETA ELEMENTARY SCHOOL, AN ENTITY AND INSTRUMENTALITY OF THE PUEBLO OF ISLETA

WHEREAS, the Pueblo of Isleta is a federally recognized Indian tribe organized pursuant to the Indian Reorganization Act with a Constitution and inherent sovereign authority;

WHEREAS, the Isleta Tribal Council is the Legislative Branch of Government for the Pueblo of Isleta;

WHEREAS, pursuant to Tribal Council Resolutions Nos. 2014-020, 2014-058A, and a Letter of Intent dated October 9, 2014, the Pueblo of Isleta requested the U.S. Bureau of Indian Education ("BIE") to transfer control and management of the Isleta Elementary School ("School") from BIE to the Pueblo of Isleta via Application to BIE dated , 2014 (hereinafter "Application to BIE");

WHEREAS, the Application to BIE requires the Pueblo of Isleta to select the grantee to assume control and management of the School, either the governing body of the Indian tribe or another entity created by the Indian tribe;

WHEREAS, pursuant to authority in Article V, Section 2(j), Tribal Council is empowered to: "appoint or authorize such committees, commissions, boards, pueblo chartered organizations or corporations, official or employees not otherwise provided for in this constitution";

WHEREAS, the Tribal Council finds it is in the best interests of the Pueblo of Isleta to exercise the aforementioned authority to create a new entity to assume control and management of the School as an entity of the Pueblo.

NOW, THEREFORE BE IT RESOLVED that Tribal Council hereby creates a new entity, to continue to be named the "Isleta Elementary School", to assume control and management of the School.

BE IT FURTHER RESOLVED, that the Isleta Elementary School shall be deemed an instrumentality of the Pueblo of Isleta, possessing all rights, privileges and immunities of the Pueblo.

BE IT FURTHER RESOLVED, that the affairs of Isleta Elementary School shall be governed by a Governing Board elected by Tribal Council, and pursuant to Bi-Laws and Policies and Procedures to be approved by Tribal Council from time to time.

BE IT FURTHER RESOLVED, a plan of operation for the Isleta Elementary School shall be developed by the Governing Board and approved by Tribal Council.

BE IT FURTHER RESOLVED, that the Isleta Elementary School shall be deemed a Local Education Agency ("LEA") for purposes of federal and applicable New Mexico regulations.

BE IT FURTHER RESOLVED, that the Isleta Elementary School shall create and maintain a separate fiscal calendar, Employer number, Federal Identification number, the New Mexico Tax Exemption number, and other identifiers as necessary to operate the Isleta Elementary School as an independent entity of the Pueblo.

BE IT FURTHER RESOLVED, that the Pueblo of Isleta shall provide necessary technical and administrative support and assistance to the Isleta Elementary School, to include Procurement, Information Technology, Financial, Accounting, Human Resources, and Legal, until such time as the Isleta Elementary School has developed its own capacity, as determined by the Pueblo, to provide these services.

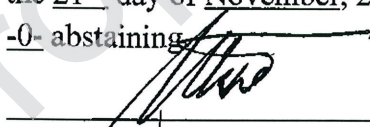
BE IT FURTHER RESOLVED, that such support and assistance by the Pueblo shall be given according to and in strict conformity with the provisions of the governing documents of the Isleta Elementary School as presented and approved by Tribal Council.

BE IT FURTHER RESOLVED, that Tribal Council reserves the right to dissolve this new entity for good cause as determined by Tribal Council.

BE IT FINALLY RESOLVED, that the Governor and Tribal Treasurer are authorized to do all that is necessary to implement the intent of this Resolution.

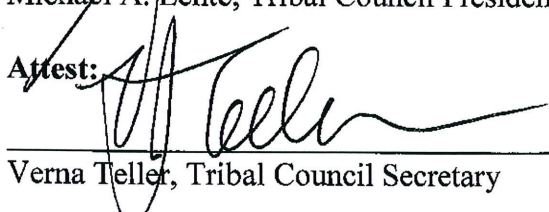
CERTIFICATION

We, the undersigned officials of the Pueblo of Isleta, hereby certify that the foregoing Resolution was duly adopted by the Pueblo of Isleta Tribal Council at a regular meeting held on the 21st day of November, 2014, a quorum present, with -11- voting for, -0- voting against, and -0- abstaining.


Michael A. Lente, Tribal Council President


Paul Torres, Governor

Attest:


Verna Teller, Tribal Council Secretary



PUEBLO OF ISLETA

P.O. BOX 1270
ISLETA, NM 87022

PUEBLO OF ISLETA
Resolution No. 2014-058

Letter of Intent and Application to Secretary of Interior to Transfer Operation of Isleta Elementary School to Pueblo of Isleta Pursuant to Pub. Law 100-297

The following resolution was passed at a duly called meeting of the Tribal Council of the Pueblo of Isleta:

WHEREAS, the Pueblo of Isleta is a federally recognized Indian tribe with a written Constitution adopted pursuant to the Indian Reorganization Act and with inherent powers of self-government;

WHEREAS, Article V, Section 2(c), of the Pueblo of Isleta Constitution authorizes the Tribal Council to “negotiate and enter into agreements with the Federal Government, State and local governments...”

WHEREAS, the Isleta Elementary School is operated by the U.S. Bureau of Indian Education;

WHEREAS, the Isleta Elementary School is an educational facility for the education and benefit of Isleta youth;

WHEREAS, educating our youth is an important aspect of preserving the culture, customs, traditions and the future of the Isleta culture and community;

WHEREAS, federal law authorizes the Secretary of Interior to transfer operation of a BIE school to an Indian tribe pursuant to the Tribally Controlled Schools Act of 1988, Public Law 100-297, codified at 25 U.S.C. 2504(b).

WHEREAS, earlier this year the Secretary of Interior issued Executive Order # 3334 restructuring the U.S. Bureau of Indian Education (“BIE”) in order to “strengthen and support the efforts of tribal nations to directly operate Bureau of Indian Education funded schools and ... build a responsive organization that provides resources, direction, and services to tribes so they can help their students attain high levels of student achievement...”;

WHEREAS, on April 10, 2014, Tribal Council enacted Resolution No. 2014-020, authorizing the Governor to create a plan to assume operation of the Isleta Elementary School;

WHEREAS, the Pueblo of Isleta has convened a transition team composed of the Pueblo's Department of Education Director, Human Resources Department, Tribal Treasurer, Procurement Director, General Legal Counsel, Tribal Council Liaison, and Febasa Consulting (hereinafter "Transition Team") under the direction of the Governor to develop such plan in the form of an application to BIE to assume operation of the Isleta Elementary School; and

WHEREAS, Tribal Council finds it is in the best interest of the Pueblo of Isleta to request the Secretary of Interior to transfer operation of the Isleta Elementary School to the Pueblo of Isleta as a Grant School pursuant to the Tribally Controlled Schools Act, as described herein.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council hereby approves the attached BIE Application, incorporated into this Resolution as **Exhibit A**, which requests the Secretary of Interior to transfer operation of the Isleta Elementary School to the Pueblo of Isleta.

BE IT FURTHER RESOLVED, that Tribal Council approves the attached Letter of Intent, incorporated into this Resolution as **Exhibit B**.

BE IT FURTHER RESOLVED, that the Pueblo of Isleta requests the Secretary of Interior to make a determination whether the school is eligible for assistance to the Pueblo, pursuant to 25 U.S.C. 2504(b).

BE IT FURTHER RESOLVED, that the grantee shall be the Pueblo of Isleta, as represented by the Tribal Council, until such time as the Tribal Council delegates its authority to a School Board at some point in the future as determined by Tribal Council.

BE IT FURTHER RESOLVED, that the Pueblo of Isleta requests the effective date of transfer to be July 1, 2015.

BE IT FURTHER RESOLVED, that the Pueblo of Isleta, specifically the Transition Team, shall work closely with BIE to compile and submit to BIE all necessary documentation required by BIE to assume operation of the Isleta Elementary School on or before February 1, 2015;

BE IT FURTHER RESOLVED, that the Pueblo of Isleta requests operation of all aspects of the Isleta Elementary School except the following Services: (1) Transportation, (2) Facility Ownership, (3) Facility Operation and Maintenance and (4) Food Services (hereinafter "BIE Retained Services"),

BE IT FURTHER RESOLVED, that the Pueblo of Isleta requests the BIE to enter into a Memorandum of Agreement concerning these BIE Retained Services and reserves the right to assume operation of these BIE Retained Services at a future date as determined by Tribal Council;

BE IT FURTHER RESOLVED, that the Pueblo of Isleta requests the BIE to without haste allocate funds to the Pueblo of Isleta to assist in the planning and implementation of the transition of the operation of the Isleta Elementary School.

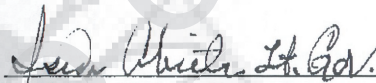
BE IT FINALLY RESOLVED, that the Governor and Transition Team are authorized to do all that is necessary to effectuate the intent of this Resolution, including compilation and, upon approval by Tribal Council, submittal of all necessary documentation to BIE to achieve the purpose set out in this Resolution.

CERTIFICATION

We, the undersigned officials of the Pueblo of Isleta, hereby certify that the foregoing Resolution was duly adopted by the Pueblo of Isleta Tribal Council at a regular meeting held on the 25th day of August, 2014, with a quorum present, with -12- voting for, -0- opposing, and -0- abstaining.



Tribal Council President



Pueblo of Isleta Governor

ATTEST:



Tribal Council Secretary